IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:		Atty. Docket No.:	003797.77742
Kenneth M Lassesen			
Serial No.:	09/309,372	Group Art Unit:	2176
Filed:	May 11, 1999	Examiner:	Nguyen, Maikhanh
For:	Client side localizations on the World Wide Web	Confirmation No.:	7410

BRIEF ON APPEAL

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P.O. Box 1450
Alexandria, VA 22313-1450

This is an appeal brief in accordance with 37 C.F.R. § 1.192 filed in support of applicant's August 20, 2007, Notice of Appeal. Appeal is taken from the final office action mailed February 21, 2007, and the advisory action mailed May 7, 2007. Please charge any necessary fees in connection with this appeal brief to our deposit account no. 19-0733.

I. REAL PARTY IN INTEREST

The owner of this application, and the real party in interest, is Microsoft Corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-13 remain in the application. All of the pending claims, claims 1-13, are shown in the attached appendix. Claim 14 is cancelled.

Claims 1-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan, et al. (US 6,993,471) in view of Kennelly, et al. (US 6,559,861).

Applicant is appealing the rejections of claims 1-13. For the reasons set forth below, applicant respectfully submits that the final rejection of claims 1-13 is improper and should be reversed.

IV. STATUS OF AMENDMENTS

There have been no amendments filed in response to the final office action mailed February 21, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 C.F.R. § 41.37(c)(1)(v)), applicant does not intend to limit the claims; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

Embodiments of the invention are directed to enabling multiple, concurrent, language translation (*i.e.* localization) of Web pages within a Web browser. Users may translate prepared pages into the languages of their choice (including double byte character sets) without requiring additional transmissions across a network. In addition, embodiments of the invention obviate the current practice of site owners producing separate Web pages for each language to be supported. (Page 4, lines 15-21).

According to embodiments of the invention, a client downloads from a server translations for various phrases contained in a Web page. The downloaded phrases may be transferred from the server to the client in the form of a data structure. The data structure may be in an included file or provided by some other mechanism. Embodiments of the invention support dynamic changing of languages and the concurrent display of multiple languages. Phrases may contain

display information (*e.g.* HTML tags) including localized graphics and media files. (Page 4, line 22, through page 5, line 6).

Once the phrase translations have been downloaded from a server to the client, a Web browser may replace phrases in the Web document with their corresponding phrase translations. The resulting Web document is then displayed by the Web browser. (Page 5, lines 7-10).

Using unique phrase identifiers within the document, existing phrases in the document are replaced with their respective translations—if translations are available. If a translation for a particular phrase is not available, then the original text for that phrase will be maintained and displayed in the Web browser. (Page 10, lines 12-28).

Placing various localized phrases (*i.e.* translations) into a single include-file results in a single file download that may be used by various pages on a Web site without new downloads unless the translation-text changes. This may result in smaller file downloads for dynamic pages where the data changes but the text remains the same (since the text for the localization file may be cached by the browser). (Page 11, line 32, through page 12, line 2).

Independent claim 1 is directed to a computer-readable medium having computer-executable instructions for performing steps comprising: allowing a user to select a language in which at least a portion of an electronic file is to be displayed (page 15, lines 6-23); receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed (page 4, line 15, through page 5, line 10; page 8, line 19, through page 9, line 28; page 11, lines 32-34); at

the user's computer (page 4, line 22, through page 5, line 2; page 5, lines 7-10), selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user; and displaying to the user the second plurality of phrases that are expressed in the language selected by the user (page 4, line 22, through page 5, line 2; page 5, lines 7-10; page 8, line 19, through page 9, line 28; page 12, line 4, through page 15, line 23).

Independent claim 6 is directed to a method of providing an electronic file to a user comprising the steps of: assigning to at least one word in the electronic file a plurality of identifiers, wherein each identifier corresponds to one of a plurality of respective translations in the electronic file for said at least one word (page 8, line 19, through page 9, line 28); and at a receiving computer (page 4, line 22, through page 5, line 2; page 5, lines 7-10): receiving the electronic file from a sending computer (page 4, line 15, through page 5, line 10; page 11, lines 32-34), allowing the user to select a language in which at least a portion of the electronic file is to be displayed (page 15, lines 6-23), using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user, for said at least one word, inserting the translation obtained from the electronic file into a translated electronic file, and displaying the translated electronic file to the user (page 4, line 22, through page 5, line 2; page 5, lines 7-10; page 8, line 19, through page 9, line 28; page 12, line 4, through page 15, line 23).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1) Claims 1-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan, et al. (US 6,993,471) in view of Kennelly, et al. (US 6,559,861).

VII. ARGUMENT

A. Claims 1-5 patentably distinguish over Flanagan, et al. (US 6,993,471) in view of Kennelly, et al. (US 6,559,861) because Flanagan and Kennelly do not disclose, teach, or suggest "receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed ... and at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user."

Claim 1 recites a computer-readable medium having computer-executable instructions for performing steps comprising: allowing a user to select a language in which at least a portion of an electronic file is to be displayed; receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed; at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user; and displaying to the user the second plurality of phrases that are expressed in the language selected by the user.

Flanagan discloses downloading an HTML document with content expressed in English and then using machine-translation software to translate the text into a user's native language.

(Flanagan, col. 3, line 44, through col. 5, line 16). Flanagan discloses translating downloaded English documents into a different language. Flanagan does not disclose downloading documents that contain words that are expressed in multiple spoken languages, such as English, French, Spanish, Italian, and the like. Flanagan does not, therefore, disclose, teach, or suggest "receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed." Therefore, Flanagan also does not disclose, teach, or suggest, "at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user."

Kennelly discloses translating text of a computer user interface by using separate language-specific files, which are stored in separate language-specific subdirectories, for each respective language translation. (Kennelly, col. 6, line 45, through col. 9, line 56). Kennelly does not, therefore, disclose, teach, or suggest "receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed." Therefore, Kennelly also does not disclose, teach, or suggest, "at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user."

Page 8 of the February 21, 2007, final office action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flanagan with Kennelly. Applicant disagrees. Regardless, such a modification would not result in the invention of claim 1. Instead, such a combination would result in downloading an HTML document with content expressed in English and then using machine-translation software, which accesses multiple language-specific files stored in multiple language-specific subdirectories, to translate the text into a user's native language.

For at least the foregoing reasons, Flanagan and Kennelly, either alone or in combination with the other prior art of record, fail to establish prima facie obviousness of the invention of claim 1.

Claims 2-5 properly depend upon claim 1. Therefore, claim 2-5 are in condition for allowance for at least the reasons discussed above in connection with claim 1.

B. Claims 6-13 patentably distinguish over Flanagan, et al. (US 6,993,471) in view of Kennelly, et al. (US 6,559,861) because Flanagan and Kennelly do not disclose, teach, or suggest performing the following steps at a receiving computer: (1) using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user, for said at least one word, (2) receiving the electronic file from a sending computer, and (3) inserting the translation obtained from the electronic file into a translated electronic file.

Claim 6 recites a method of providing an electronic file to a user comprising the steps of: assigning to at least one word in the electronic file a plurality of identifiers, wherein each identifier corresponds to one of a plurality of respective translations in the electronic file for said at least one word; and at a receiving computer: receiving the electronic file from a sending computer, allowing the user to select a language in which at least a portion of the electronic file

is to be displayed, using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user, for said at least one word, inserting the translation obtained from the electronic file into a translated electronic file, and displaying the translated electronic file to the user.

Flanagan discloses downloading an HTML document with content expressed in English and then using machine-translation software to translate the text into a user's native language. (Flanagan, col. 3, line 44, through col. 5, line 16). Flanagan discloses translating downloaded English documents into a different language. Flanagan does not disclose downloading documents that contain words that are expressed in multiple spoken languages, such as English, French, Spanish, Italian, and the like. Flanagan does not, therefore, disclose, teach, or suggest performing the following steps at a receiving computer: (1) using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user, for said at least one word, (2) receiving the electronic file from a sending computer, and (3) inserting the translation obtained from the electronic file into a translated electronic file.

Kennelly discloses translating text of a computer user interface by using separate language-specific files, which are stored in separate language-specific subdirectories, for each respective language translation. (Kennelly, col. 6, line 45, through col. 9, line 56). Kennelly does not, therefore, disclose, teach, or suggest performing the following steps at a receiving computer: (1) using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the

electronic file, a translation, in the language selected by the user, for said at least one word, (2) receiving the electronic file from a sending computer, and (3) inserting the translation obtained from the electronic file into a translated electronic file.

Page 5 of the February 21, 2007, final office action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flanagan with Kennelly. Applicant disagrees. Regardless, such a modification would not result in the invention of claim 6. Instead such a combination would result in downloading an HTML document with content expressed in English and then using machine-translation software, which accesses multiple language-specific files stored in multiple language-specific subdirectories, to translate the text into a user's native language.

For at least the foregoing reasons, Flanagan and Kennelly, either alone or in combination with the other prior art of record, fail to establish prima facie anticipation or obviousness of the invention of claim 6.

Claims 7-13 properly depend upon claim 6. Therefore, claims 7-13 are in condition for allowance for at least the reasons discussed above in connection with claim 6.

Respectfully submitted,
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Dated: October 22, 2007

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VIII. CLAIMS APPENDIX

1. A computer-readable medium having computer-executable instructions for performing steps comprising:

allowing a user to select a language in which at least a portion of an electronic file is to be displayed;

receiving the electronic file at the user's computer, wherein the electronic file's content includes a first plurality of phrases, wherein each phrase of the first plurality of phrases is expressed in a plurality of languages and has a meaning that is different than the meanings of other phrases of the first plurality of phrases regardless of the language in which said each phrase is expressed;

at the user's computer, selecting, for display to the user, from the first plurality of phrases, a second plurality of phrases that are expressed in the language selected by the user; and

displaying to the user the second plurality of phrases that are expressed in the language selected by the user.

2. The computer-readable medium of claim 1 wherein the electronic file is received at the user's computer via the Internet.

3. The computer-readable medium of claim 1 wherein the electronic file is an HTML document.

4. The computer-readable medium of claim 3 wherein a Web browser displays the HTML document to the user.

5. The computer-readable medium of claim 4 wherein the Web browser translates at least a portion of the HTML document into the language selected by the user.

6. A method of providing an electronic file to a user comprising the steps of:

assigning to at least one word in the electronic file a plurality of identifiers, wherein each identifier corresponds to one of a plurality of respective translations in the electronic file for said at least one word; and

at a receiving computer:

receiving the electronic file from a sending computer,

allowing the user to select a language in which at least a portion of the electronic file is to be displayed,

using an identifier from the plurality of identifiers, wherein the identifier corresponds to the language selected by the user, to obtain, from the respective translations in the electronic file, a translation, in the language selected by the user, for said at least one word,

inserting the translation obtained from the electronic file into a translated electronic file, and

displaying the translated electronic file to the user.

7. The method of claim 6 wherein the electronic file is an HTML document.

8. The method of claim 7 wherein the translation for said at least one word is stored in a data structure on a server.

9. The method of claim 8 wherein the data structure is an array.

10. The method of claim 9 wherein the translated HTML document is displayed by a Web browser.

11. The method of claim 10 wherein the translated HTML document is provided to the user via the Internet.

12. The method of claim 7 wherein a plurality of words in the HTML document are assigned a plurality of identifiers that correspond to said translation.

13. The method of claim 7 wherein a plurality of phrases in the HTML document are assigned a plurality of identifiers that correspond to said translation.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.